

Remarks

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). The instant Amendment, which is filed in response to the final Office Action mailed December 7, 2009, and to the Advisory Action mailed April 12, 2010, replaces the Response Under 37 CFR § 1.116 filed March 8, 2010. Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 1 and 15 have been amended. Claims 1 and 5-17 remain pending in the application. Claims 1 and 15 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

In response to the examiner's remarks in the Advisory Action (box 11), claim 1 has been amended to even more particularly define the structural characteristics of the rigid integral bottom plate feature of the bed. Instant claim 1 recites in pertinent part that the rigid integral bottom plate is "rigid in two directions." That is, the bottom plate is rigid in two directions, and is provided with only two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate.

Claim 15 has been amended in a manner analogous to that of claim 1. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Bergkvist '161, Fong, Thayer, and Ban

Claims 1-11, 14, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WIPO Pub. No. WO 92/02161 to Bergkvist (hereinafter "Bergkvist '161") in view of U.S. Patent No. 5,581,827 to Fong et al. ("Fong") and U.S. Patent No. 2,646,577 to Thayer and further in view of U.S. Patent No. 4,063,830 to Ban.

The rejection of claims 1-11, 14, 15, and 17 based on Bergkvist '161, Fong, Thayer, and Ban is respectfully deemed to be obviated. For at least the following reasons, the combined disclosures of Bergkvist '161, Fong, Thayer, and Ban would not have rendered obvious Applicant's presently claimed invention.

The combined disclosures of Bergkvist '161, Fong, Thayer, and Ban do not teach all of Applicant's claim features. Bergkvist '161 is deficient for at least the reasons acknowledged by the examiner (Office Action pages 2, 3, 4, 5, 7, 8, 9, 10, and 11). And, instant claim 1 defines an embodiment of the bed that includes, *inter alia*

a sack of flexible material mounted on the frame with an opening verge part of the sack connected to the frame, a bottom of the sack being configured to (i) rest on a floor on which the legs of the bed, once erected,

rest, and (ii) extend over an area that substantially corresponds to an area surrounded by the frame;

a mattress having a bottom area corresponding to the bottom of the sack; and

a rigid integral bottom plate located between the mattress and the bottom of the sack, the bottom plate being rigid in two directions and having two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate.

The Advisory Action indicates that there must be "a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art." Applicant points out that just one of the structural differences between the presently claimed embodiment of the bed and the cited prior art is that the bed includes a rigid integral bottom plate that is rigid in two directions, but only two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate. Therefore, a child, when standing up and holding the frame and standing on either or both parts (divided by the scoring lines) of the bottom plate, will not be able to tip the bed, since the bottom plate at the bottom of the sack will be "stuck/locked" at the lower corners of the sack. See, e.g., specification page 1, second paragraph, where Applicant discloses that in the erected state, the bed should be stable and provide good child safety. A photograph showing a person standing in the bed according to the invention,

and trying to tip the bed according to the description above, is attached.

Bergkvist '161's bed has a stiffening insert 17 which is collapsible since the insert 17 has the form of a plurality of strips. This means that when a child is standing up in Bergkvist '161's bed, it is possible for the child to tip the bed since the insert 17, actually, the strips, will be folded over themselves. Thus, the insert 17 is not stiff/rigid (and particularly not formed in one piece) in the same way as Applicant's claimed rigid bottom plate feature.

More specifically, the Office Action asserts that Bergkvist '161 discloses "a rigid integral bottom plate (17) located between the mattress and the bottom (Fig. 2) of the sack" (Office Action page 2). Moreover, in the "Response to Arguments" section, the Office Action asserts that "the Bergkvist reference clearly discloses element 17 being stiff/rigid, as well as being integral, on page 3, line 31 - page 4, line 10" (Office Action page 12).

However, what Bergkvist '161 actually teaches at specification page 3, line 31 - page 4, line 10 is that stiffening insert 17 "is substantially rigid in one direction and bendable in the opposite direction, so that the entire bed unit 10 can be collapsed, for instance rolled-up to a shape which requires only a small storage space." Furthermore, in the aforementioned disclosure, Bergkvist '161 also teaches that "[t]he strips may be

mutually joined by means of transversely extending bendable bands for instance."

Applicant points out that in order for Bergkvist '161's element 17 in the form of strips to be *rolled up*, there must be a certain transverse distance between the strips. And, it is these transverse extending distances between the strips that provide the multiple bendable areas which enable Bergkvist '161's element 17 to be rolled up. That, however, is most certainly not Applicant's presently claimed invention.

According to Applicant's claimed invention, the rigid integral bottom plate is stiff/rigid in *two directions*, and is only provided with two parallel spaced-apart scoring lines which are positioned in a longitudinal central area of the bottom plate. As is evident from instant Figure 7, the rigid integral bottom plate is formed of two end sections connected to each other via the two scoring lines separated by a rigid middle section. Thus, the two end sections of the bottom plate, the two parallel spaced-apart scoring lines, and the middle section form together a stiff sheet.

The two end sections are connected to each other by the scoring lines in a manner such that they cannot be displaced either in the longitudinal direction or in the transverse direction of the bottom plate. The bottom plate according to the invention thus forms a stiff sheet over the entire area of the bottom of the bed when ready for use.

Therefore, in view of the above-described structural differences, Applicant submits that Bergkvist '161's "stiffening insert 17" is not stiff/rigid in the same way as Applicant's claimed "rigid integral bottom plate," and accordingly, will not function in the same way.

Regarding the stability issue, a child standing in Bergkvist '161's bed will only stand on some of the strips forming the element 17. When pushing, for instance, at the short side of the upper frame, the entire bed will start tilting. This means that the strips on which the child is not standing will start to slide toward each other until the side edges of adjacent strips bear against each other. When this happens, the weight at the opposite end of the bed from which the child is standing will be less. As a result, it will be even easier to tilt the bed still further. When this happens, the strips may start to roll up or slide over each other, resulting in the child possibly tipping over the bed.

However, by virtue of its claimed structural features, the bed according to the instant invention is more stable than Bergkvist '161's bed. Since the bottom plate forms a rigid sheet over the entire area of the bottom of the bed, and since the child will stand on one end section of the bottom plate, this whole end section of the bottom plate will be forced to lie on the floor due to the weight of the child. Moreover, since the two end sections of the bottom plate are rigidly connected to each other by the two

parallel spaced-apart scoring lines via the middle section, the sections cannot be displaced relative to each other either in the longitudinal direction or in the transverse direction. As a result, when a child is pushing on one side edge of the upper frame, the external corners of the end section of the bottom plate on which the child is not standing will be secured in the corresponding external corners of the bottom 23 of the sack 20, thus preventing the bed from being tipped. This means that the stability of the bed according to the instant invention is much improved relative to the stability of Bergkvist '161's bed.

Fong and Thayer are deficient for the reasons presented in Applicant's reply of February 12, 2009. Similarly, the disclosure of Ban adds nothing that would rectify any of the deficiencies of Bergkvist '161.

Therefore, the combined disclosures of Bergkvist '161, Fong, Thayer, and Ban would not have rendered obvious the invention defined by instant claim 1. Claims 5-11 and 14 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Instant claim 15 defines an embodiment of the invention that also includes a rigid integral bottom plate that is "rigid in two directions." Claim 15, therefore, is also allowable. Claim 17 is allowable because it depends from claim 15, and for the subject matter recited therein.

35 U.S.C. § 103(a)

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist '161 in view of Fong, Thayer, and Ban, and further in view of U.S. Patent No. 6,588,020 to Stewart, III et al. ("Stewart"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist '161 in view of Fong, Thayer, and Ban, and further in view of U.S. Patent No. 5,542,151 to Stranski et al. ("Stranski").

The rejections of claims 12 and 13 under § 103(a) are also respectfully deemed to be obviated. Regardless of what Stewart may disclose with regard to zippers and seams, and regardless of what Stranski may disclose with regard to a playpen joint, the disclosures of Stewart and Stranski do not rectify any of the above-described deficiencies of Bergkvist '161, Fong, Thayer, and Ban.

Accordingly, the combined disclosures of Bergkvist '161, Fong, Thayer, Ban, and Stewart, and the combined disclosures of Bergkvist '161, Fong, Thayer, Ban, and Stranski, would not have rendered obvious the embodiments of the invention defined by, respectively, Applicant's claims 12 and 13.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

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interview might expedite prosecution, the examiner is invited to contact the undersigned.

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